

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE**

OCCIDENTAL CHEMICAL CORPORATION	)	Hon. Madeline Cox Arleo
	)	Hon. Joseph A. Dickson
	)	
Plaintiff,	)	Civil Action No. 2:18-cv-11273-MCA-JAD
	)	Electronically Filed
v.	)	
	)	<b>CERTIFICATION OF</b>
21ST CENTURY FOX AMERICA, INC., <i>et al.</i>	)	<b>JOHN J. MCDERMOTT, ESQ.</b>
	)	
Defendants.	)	
	)	

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*Attorneys for Plaintiff Occidental Chemical Corporation*

I, JOHN J. MCDERMOTT, being of full age, hereby certify to the following:

1. I am an attorney at law admitted to practice in the State of New Jersey and before this Court, and am a partner with the law firm of Archer & Greiner, P.C., counsel for Plaintiff Occidental Chemical Corporation in the above-captioned matter. As such, I am familiar with the facts set forth herein.

2. Attached hereto as **Exhibit 1** is a true and correct excerpt of the transcript of the deposition of Martin Doldan taken August 28, 2019.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the letter dated February 6, 2018 from Joseph R. Brendel to Juan Fajardo.

4. Attached hereto as **Exhibit 3** is a true and correct copy of soil sampling results prepared by Killam Associates Consulting Engineers.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of the Remedial Investigation Report/Remedial Investigation Workplan Addendum for Napp Technologies, Inc. dated June 1999.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Appendix 2 to the New Jersey Department of Environmental Protection Site Evaluation Submission by Hexcel Industrial Chemicals Group dated January 15, 1986.

7. Attached hereto as **Exhibit 6** is a true and correct copy of a report to The Passaic Valley Sewerage Commissioners dated March 24, 1947 regarding Stream Contaminations during February, 1947.

8. Attached hereto as **Exhibit 7** is a true and correct copy of page 3 of a report to The Passaic Valley Sewerage Commissioners dated April 20, 1948 regarding Stream Contaminations during Feb. and March, 1948.

9. Attached hereto as **Exhibit 8** is a true and correct copy of page 2 of a report to The Passaic Valley Sewerage Commissioners regarding Stream Contaminations during November, and December, 1947.

10. Attached hereto as **Exhibit 9** is a true and correct copy the Preliminary Assessment Report of United Piece Dye Works dated August 23, 1996, prepared by Great Environmental Technologies & Consultants, Inc.

11. Attached hereto as **Exhibit 10** is a true and correct copy of Defendant Chargeurs, Inc.'s Answer to Standard Set of Interrogatories dated June 28, 2019.

12. Attached hereto as **Exhibit 11** is a true and correct copy of Exhibit 7 to the deposition of Martin Doldan taken August 28, 2019 (Minutes of Special Meeting of the Board of Directors of Chargeurs Inc. held on December 22, 1982 (Stipulation Ex. 11); Consent of the Sole Stockholder of UPDW, Inc. dated December 24, 1982 (Stipulation Ex. 9); Certificate of Dissolution of UPDW, Inc. dated December 21, 1982 (Stipulation Ex. 8)).

13. Attached hereto as **Exhibit 12** is a true and correct copy of Exhibit 8 to the deposition of Martin Doldan taken August 28, 2019 (letter from Joseph R. Brendel to Alice Yeh dated June 18, 2018) (Stipulation Ex. 18).

14. Attached hereto as **Exhibit 13** is a true and correct copy of Exhibit 5 to the deposition of Martin Doldan taken August 28, 2019 (Minutes of Special Meeting of the Board of Directors of UPDW, Inc. held on December 22, 1982) (Stipulation Ex. 10).

15. Attached hereto as **Exhibit 14** is a true and correct copy of Exhibit 6 to the deposition of Martin Doldan taken August 28, 2019 (Consent of the Sole Shareholder of The United Piece Dye Works, Inc. dated December 24, 1982; Consent of the Sole Stockholder of

UPDW, Inc. dated December 24, 1982; Minutes of Special Meeting of the Board of Directors of The United Piece Dye Works, Inc. held on December 22, 1982) (Stipulation Ex. 15).

16. Attached hereto as **Exhibit 15** is a true and correct copy of Exhibit 9 to the deposition of Martin Doldan taken August 28, 2019 (Bates Label References for Documents Produced in Response to OxyChem's Request for Production of Documents to Defendant Chargeurs, Inc. Regarding Jurisdiction) (Stipulation Ex. 16).

17. Attached hereto as **Exhibit 16** is a true and correct copy of Exhibit 2 to the deposition of Martin Doldan taken August 28, 2019 (General Notice Letter from USEPA Region 2 to Chargeurs dated September 11, 2006) (Stipulation Ex. 17).

18. Attached hereto as **Exhibit 17** is a true and correct copy of the General Notice Letter from USEPA dated March 31, 2016 regarding Notice of Potential Liability under 24 U.S.C. § 9607(a).

19. Attached hereto as **Exhibit 18** is a true and correct copy of the General Notice Letter from USEPA dated March 30, 2017 regarding Notice regarding Next Steps Including Initial Cash Out Settlement.

20. Attached hereto as **Exhibit 19** is a true and correct copy of the General Notice Letter from USEPA dated August 3, 2017 regarding Conference Call to Discuss Framework for Implementation of the Operable Unit 2 Remedy.

21. Attached hereto as **Exhibit 20** is a true and correct copy of the General Notice Letter from USEPA dated September 18, 2017 regarding Allocation for Operable Unit 2 Remedial Action.

22. Attached hereto as **Exhibit 21** is a true and correct copy of an email dated January 10, 2018 from Joseph R. Brendel to Juan Fajardo.

23. Attached hereto as **Exhibit 22** is a true and correct copy of USEPA Request for Information to Chargeurs Inc. dated April 12, 2013.

24. Attached hereto as **Exhibit 23** is a true and correct copy of a letter from Clark Hill to USEPA Region 2 regarding Chargeurs, Inc.; Response to Request for Information Pursuant to 42 U.S.C. Section 9604 dated June 18, 2018 (Stipulation Ex. 18).

25. Attached hereto as **Exhibit 24** is a true and correct copy of an email dated July 24, 2018 from Sarah Flanagan of the USEPA to Joseph R. Brendel of Clark Hill PLC stating that Chargeurs, Inc. is not a potentially responsible party with respect to the Diamond Alkali Superfund Site based upon releases from the United Piece Dye Works/UPDW, Inc. operations to the Lower Passaic River (Stipulation Ex. 12).

26. Attached hereto as **Exhibit 25** is a true and correct copy of an email string dated May 22, 2019 between counsel for Chargeurs, Inc. and counsel for Occidental Chemical Corporation regarding jurisdictional discovery.

27. Attached hereto as **Exhibit 26** is a true and correct copy of a letter dated August 3, 2018 from counsel for Chargeurs, Inc. to counsel for Occidental Chemical Corporation requesting dismissal from the litigation.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: January 22, 2020

By: /s/ John J. McDermott  
John J. McDermott, Esq.